



FOLEY & LARDNER LLP  
ATTORNEYS AT LAW

11250 EL CAMINO REAL, SUITE 200 RECEIVED  
SAN DIEGO, CA 92130  
P.O. BOX 80278  
SAN DIEGO, CA 92138-0278  
TELEPHONE: 858.847.6700  
FACSIMILE: 858.792.6773  
WWW.FOLEY.COM

MAR 22 2005

## FACSIMILE TRANSMISSION

Total # of Pages 14 (including this page)

TO:	PHONE #:	FAX #:
Mail Stop: Amendment USPTO Examiner Ostrup, C. Art Unit 1614		703 872-9306

From : Richard J. Warburg, Attorney for Applicant

Date : March 22, 2005

Client/Matter No : 072827-1905

User ID No : 1559

## MESSAGE:

RE: United States Patent Application No. 09/990,405

Attached are the following:

- Amendment Transmittal (3 pages) (in duplicate)
- Amendment and Reply Under 36 CFR 1.111 (7 pages)
- Request for three month extension of time
- Authorization to charge deposit account No. 50-0872 the amount of \$510.00

If there are any problems with this transmission or if you have not received all of the pages, please call .

Operator:	Time Sent:	Return Original To:
		Diane S. Garcia

CONFIDENTIALITY NOTICE: THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS INTENDED ONLY FOR THE PERSONAL AND CONFIDENTIAL USE OF THE DESIGNATED RECIPIENTS NAMED ABOVE. THIS MESSAGE MAY BE AN ATTORNEY-CLIENT COMMUNICATION, AND AS SUCH IS PRIVILEGED AND CONFIDENTIAL. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT OR ANY AGENT RESPONSIBLE FOR DELIVERING IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT YOU HAVE RECEIVED THIS DOCUMENT IN ERROR, AND THAT ANY REVIEW, DISSEMINATION, DISTRIBUTION OR COPYING OF THIS MESSAGE IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US BY MAIL. THANK YOU.

MAR 22 2005

Atty. Dkt. No. 072827-1905

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Alan Mueller, et al.

Title: METHODS AND COMPOUNDS  
FOR TREATING DEPRESSION  
AND OTHER DISORDERS

Appl. No.: 09/990,405

Filing Date: 11/21/2001

Examiner: Ostrup, C.

Art Unit: 1614

**CERTIFICATE OF FAXSIMILE TRANSMISSION**  
I hereby certify that this paper is being facsimile transmitted to the  
United States Patent and Trademark Office, Alexandria, Virginia  
on the date below.

DIANE GARCIA  
(Printed Name)  
Diane Garcia  
(Signature)  
March 22, 2005  
(Date of Deposit)

AMENDMENT TRANSMITTAL

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Transmitted herewith is an amendment in the above-identified application.

Small Entity status under 37 C.F.R. § 1.9 and § 1.27 has been established by a previous assertion of Small Entity status.

Assertion of Small Entity status is enclosed.

The fee required for additional claims is calculated below:

	Claims As Amended	Previously Paid For	Extra Claims Present	Rate	Additional Claims Fee
Total Claims:	9	-	24	= 0 x \$50.00	= \$0.00
Independent Claims:	1	-	8	= 0 x \$200.00	= \$0.00

Atty. Dkt. No. 072827-1905

First presentation of any Multiple Dependent Claims: +	\$360.00	=	\$0.00
CLAIMS FEE TOTAL		=	\$0.00

[ X ] Applicant hereby petitions for an extension of time under 37 C.F.R. §1.136(a) for the total number of months checked below:

[ ] Extension for response filed within the first month:	\$120.00	\$0.00
[ ] Extension for response filed within the second month:	\$450.00	\$0.00
[ X ] Extension for response filed within the third month:	\$1,020.00	<u>\$1,020.00</u>
[ ] Extension for response filed within the fourth month:	\$1,590.00	\$0.00
[ ] Extension for response filed within the fifth month:	\$2,160.00	\$0.00
EXTENSION FEE TOTAL:		<u>\$1,020.00</u>
[ ] Statutory Disclaimer Fee under 37 C.F.R. 1.20(d):	\$130.00	\$0.00
CLAIMS, EXTENSION AND DISCLAIMER FEE TOTAL:		<u>\$1,020.00</u>
[ X ] Small Entity Fees Apply (subtract ½ of above):		<u>\$510.00</u>
TOTAL FEE:		<u>\$510.00</u>

[ X ] Please charge Deposit Account No. 50-0872 in the amount of \$510.00. A duplicate copy of this transmittal is enclosed.

[ ] A check in the amount of \$510.00 is enclosed.

[ X ] The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872. If any extensions of time are needed for timely acceptance of papers submitted herewith, applicant hereby petitions for such

Atty. Dkt. No. 072827-1905

extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 50-0872.

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

Date March 22, 2005  
FOLEY & LARDNER LLP  
Customer Number: 30542  
Telephone: (858) 847-6700  
Facsimile: (858) 792-6773

By Steven C. Koerber  
Steven C. Koerber  
Patent Agent  
Registration No. 54,233  
for  
Richard J. Warburg  
Attorney for Applicant  
Registration No. 32,327

Atty. Dkt. No. 072827-1905

***IN THE UNITED STATES PATENT AND TRADEMARK OFFICE***

Applicant: Alan Mueller, et al.

Title: METHODS AND COMPOUNDS  
FOR TREATING DEPRESSION  
AND OTHER DISORDERS

Appl. No.: 09/990,405

Filing Date: 11/21/2001

Examiner: Ostrup, C.

Art Unit: 1614

**CERTIFICATE OF FACSIMILE TRANSMISSION**

I hereby certify that this paper is being facsimile transmitted to the United States Patent and Trademark Office, Alexandria, Virginia on the date below.

DIANE GARCIA  
(Printed Name)

Diane Garcia  
(Signature)

March 22, 2005  
(Date of Deposit)

**AMENDMENT TRANSMITTAL**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Transmitted herewith is an amendment in the above-identified application.

Small Entity status under 37 C.F.R. § 1.9 and § 1.27 has been established by a previous assertion of Small Entity status.

Assertion of Small Entity status is enclosed.

The fee required for additional claims is calculated below:

	Claims As Amended	Previously Paid For	Extra Claims Present	Rate	Additional Claims Fee
Total Claims:	9	-	24	= 0 x \$50.00	= \$0.00
Independent Claims:	1	-	8	= 0 x \$200.00	= \$0.00

Atty. Dkt. No. 072827-1905

First presentation of any Multiple Dependent Claims: +	\$360.00	=	\$0.00
		CLAIMS FEE TOTAL	=
			\$0.00

[ X ] Applicant hereby petitions for an extension of time under 37 C.F.R. §1.136(a) for the total number of months checked below:

[ ] Extension for response filed within the first month:	\$120.00	\$0.00
[ ] Extension for response filed within the second month:	\$450.00	\$0.00
[ X ] Extension for response filed within the third month:	\$1,020.00	<u>\$1,020.00</u>
[ ] Extension for response filed within the fourth month:	\$1,590.00	\$0.00
[ ] Extension for response filed within the fifth month:	\$2,160.00	\$0.00
		EXTENSION FEE TOTAL:
		<u>\$1,020.00</u>
[ ] Statutory Disclaimer Fee under 37 C.F.R. 1.20(d):	\$130.00	\$0.00
		CLAIMS, EXTENSION AND DISCLAIMER FEE TOTAL:
		<u>\$1,020.00</u>
[ X ]	Small Entity Fees Apply (subtract 1/2 of above):	\$510.00
		TOTAL FEE:
		<u>\$510.00</u>

[ X ] Please charge Deposit Account No. 50-0872 in the amount of \$510.00. A duplicate copy of this transmittal is enclosed.

[ ] A check in the amount of \$510.00 is enclosed.

[ X ] The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872. If any extensions of time are needed for timely acceptance of papers submitted herewith, applicant hereby petitions for such

Atty. Dkt. No. 072827-1905

extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 50-0872.

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

Date March 22, 2005  
FOLEY & LARDNER LLP  
Customer Number: 30542  
Telephone: (858) 847-6700  
Facsimile: (858) 792-6773

By Steven C. Koerber  
Steven C. Koerber  
Patent Agent  
Registration No. 54,233  
for  
Richard J. Warburg  
Attorney for Applicant  
Registration No. 32,327

MAR 22 2005

Atty. Dkt. No. 072827-1905

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Alan Mueller, et al.

Title: METHODS AND COMPOUNDS  
FOR TREATING DEPRESSION  
AND OTHER DISORDERS

Appl. No.: 09/990,405

Filing Date: 11/21/2001

Examiner: Ostrup, C.

Art Unit: 1614

**CERTIFICATE OF FACSIMILE TRANSMISSION**

I hereby certify that this paper is being facsimile transmitted to the United States Patent and Trademark Office, Alexandria, Virginia on the date below.

DIANE GARCIA  
(Printed Name)

Diane Garcia  
(Signature)

March 22, 2005  
(Date of Deposit)

AMENDMENT AND REPLY UNDER 37 CFR 1.111

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This communication is responsive to the Non-Final Office Action mailed September 22, 2004, concerning the above-referenced patent application.

Applicant has enclosed with this amendment a Petition for Extension of Time to make this response timely.

**Amendments to the Claims** are reflected in the listing of claims which begins on page 2 of this document.

**Remarks/Arguments** begin on page 4 of this document.